

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

K.C., et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:23-cv-00595-JPH-KMB
)	
THE INDIVIDUAL MEMBERS)	
OF THE MEDICAL LICENSING)	
BOARD OF INDIANA, in their)	
official capacities, et al.,)	
)	
Defendants.)	

UNOPPOSED MOTION TO EXTEND TIME TO FILE RESPONSIVE PLEADING

Pursuant to Local Rule 6-1(c), Defendants the Individual Members of the Medical Licensing Board of Indiana, in their official capacities, Executive Director, Indiana Professional Licensing Agency, in her official capacity, Attorney General of the State of Indiana, in his official capacity, Secretary, Indiana Family and Social Services Administration, in her official capacity, and Indiana Family and Social Services Administration, respectfully request the Court extend the deadline for filing a responsive pleading to respond to the complaint (Dkt. 1) until August 14, 2023. Defendants state the following in support of this motion:

1. Plaintiffs filed their complaint on April 5, 2023 (Dkt. 1) and service was received on April 10, 2023 (Dkt. 31). Under Federal Rule of Civil Procedure 12(a)(1)(A)(i), the original deadline for filing a responsive pleading was May 1, 2023. Pursuant to Local Rule 6-1(a), defendants extended the original deadline by notice to May 29, 2023. Dkt. 31.

2. Currently, the parties are engaged in expedited discovery, which includes multiple depositions, and briefing plaintiffs' motion for a preliminary injunction. Dtk. 9. Defendants'

opposition to the motion is due June 2, 2023, and plaintiffs' reply in support of the motion is due June 12, 2023. Dkt. 22; Dkt. 25. A hearing on the motion is scheduled for June 14, 2023. Dkt. 38.

3. Good cause exists to extend the deadline for filing a responsive pleading until August 14, 2023, 61 days after the preliminary injunction hearing. *See* Fed. R. Civ. P. 6(b); S.D. Ind. L.R. 6-1(c). The ongoing litigation over plaintiffs' motion for a preliminary injunction, and any rulings on that motion from this Court or the Seventh Circuit, could potentially impact the filing of a responsive pleading and motions practice under Federal Rule of Civil Procedure 12. Extending the deadline until 61 days after the preliminary injunction hearing will allow the parties time to evaluate the impact of any rulings on plaintiffs' motion in this Court or on appeal.

4. Defendants' counsel is also heavily engaged with other matters. In this case, counsel's obligations include taking 12 depositions between May 16, 2023, and May 25, 2023; defending five depositions between May 23, 2023, and June 7, 2023; drafting a brief in opposition to plaintiffs' preliminary-injunction motion by June 2, 2023; and presenting argument at a hearing on the preliminary injunction motion on June 14, 2023. Meanwhile, counsel has been heavily engaged with other matters as well, including presenting oral argument in *Tully v. Okeson*, No. 22-2835 (7th Cir.), on May 17, 2023; responding to the complaint in *The Satanic Temple, Inc. v. Rokita*, No. 1:22-cv-01859-JMS-MG (S.D. Ind.), currently due May 22, 2023; defending the deposition of a prosecuting attorney in *Sparger-Withers v. Taylor*, No. 1:21-cv-2824 (S.D. Ind.), on June 6, 2023; preparing an amicus brief in *Illumina, Inc. v. Federal Trade Commission*, No. 23-60167 (5th Cir.), currently due June 12, 2023; preparing an opening brief in *Indiana Bureau of Motor Vehicles v. Simmons*, No. 23A-PL-00899 (Ind. Ct. App.), currently due June 12, 2023; and conducting discovery in *City of Bloomington v. Smith*, No. 53C06-2203-PL-000608 (Ind. Cir. Ct.).

5. Defendants' counsel has conferred with plaintiffs' counsel regarding this motion. Plaintiffs do not oppose the relief sought.

Wherefore, Defendants respectfully request that the Court extend the deadline to file a responsive pleading from May 29, 2023 to August 14, 2023.

Respectfully submitted,

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Date: May 23, 2023

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